IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 3684 of 2003

With

SPECIAL CIVIL APPLICATION No. 4567 of 2003

For Approval and Signature:

Hon'ble ACTING CHIEF JUSTICE MR.JN BHATT

and

Hon'ble MR.JUSTICE K.A.PUJ

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the concerned Magistrate/Magistrates,Judge/Judges,Tribunal/Tribunals? : NO

APURVA CO-OP HOUSING SOCIETY LTD & Another.

Versus

AHMEDABAD ELECTRICTY CO LTD

Appearance:

1. Special Civil Application No. 3684 of 2003

MR SUDHIR M MEHTA for Petitioner No. 1

MR KB PUJARA for Respondent No. 1

MR RM CHHAYA for Respondent No. 2

MR DN PATEL for Respondent No. 3

CORAM : ACTING CHIEF JUSTICE MR.JN BHATT

and

MR.JUSTICE K.A.PUJ

Date of decision: 17/04/2003

ORAL JUDGEMENT

(Per : ACTING CHIEF JUSTICE MR.JN BHATT)

Rule. Service of Rule is waived by learned advocate Mr. KB Pujara for Ahmedabad Electricity Company; learned advocate Mr. RM Chhaya/Mr. MG Nagarkar for Ahmedabad Municipal Corporation; and learned advocate Mr. DN Patel for Ahmedabad Urban Development Authority.

2. In these two petitions, common questions of common interest are involved and therefore the learned counsel appearing for the respondents have already agreed and waived the service of Rule, and upon joint request and considering the peculiar facts and special circumstances obtainable in these matters, they are being disposed of by this common Judgment finally. These petitions pertain to 'Low Rise' Buildings, situated in the City of Ahmedabad and also within the precincts of Ahmedabad Municipal Corporation (AMC) and Ahmedabad Urban Development Authority (AUDA). We have heard the learned counsel for the parties.

3. The main object, of this group of petitions, is to seek directions to the Ahmedabad Electricity Company (AEC) for the grant of electric connection in their Low Rise Apartments or houses. The petitioners have also stated in their petitions to make suitable applications for Building Use Permission to AMC or AUDA, as the case may be, in accordance with law.

4. It may be stated that this Court, earlier, by passing different orders in Special Civil Application No. 497 of 2001 and group of cognate matters, had directed the AEC to provide electric connection to the owners or occupiers of apartments or the houses of the petitioners within outer limit of 3 months on the condition of their filing a written undertaking to this Court with the Registry about their making application for electric supply and Building Use Permission.

5. In this group of petitions, there are some fresh matters, and considering our final order in Special Civil Application No. 497 of 2001 and other cognate and allied matters with certain directions, finally and the same course is to be followed, as deemed expedient, for final disposal of these petitions.

6. After hearing the learned advocates of the parties and considering peculiar facts and special circumstances obtainable in this group of petitions, following directions are issued so as to dispose them of finally :

(i) The petitioners shall make an application for the grant of Building Use Permission in the prescribed form under GDCR and BPMC Act, giving out prescribed particulars to AMC or AUDA, as the case may be, on or before 30th June 2003, if not made so far, and also to file an Undertaking in writing to this effect before this Court, within 10 days from today, with a copy to the AEC, AMC and AUDA;

(ii) Upon making applications for electric supply and Building Use Permission by the petitioners, and, as aforesaid, upon filing of an Undertaking, the AEC shall grant supply of electric connection within the period of three months, on usual terms and conditions, by charging requisite fees;

(iii) The AMC and/or AUDA, as the case may be, shall take decision in respect of such applications of the petitioners made for Building Use Permission, on or before 31st October 2003 by a speaking order;

(iv) In the event of rejection of Building Use Permission, for whatever reason, it shall be incumbent upon the authority to send such a Report to the AEC, within one week from such rejection and intimation of the same shall be sent to the petitioners concerned;

(v) Upon receipt of the Report from AMC and/or AUDA, with regard to the rejection of the Building Use Permission to the petitioner or petitioners, the AEC shall, before disconnecting electric supply, serve a notice to such petitioners granting them 30 days' time from the date of receipt of notice, with a view to facilitate them with an opportunity for making alternative arrangement or to avail permissible legal redressal.

7. This batch of petitions shall stand finally disposed of, with the aforesaid directions. However, we

clarify, with a view to remove doubt, that in case of any difficulty to any party, it will be open for such party to approach or move this Court. Upon request, direct service is granted.

8. Rule is made absolute to the above extent without any order as to costs.

[J.N. Bhatt, Actg.C.J.]

rmr. [K.A. Puj, J.]